

BOARD FOR BRANCH PILOTS MEETING MINUTES

The Virginia Board for Branch Pilots met on Thursday, April 29, 2010, at the Virginia Port Authority, 600 World Trade Center, Norfolk, Virginia, with the following members present:

Captain Robert H. Callis, III
Bruce R. Cherry
Captain J. William Cofer
Captain Milton B. Edmunds
Thomas P. Host, III
William M. Martin, III
Captain John A. Morgan, Jr.
Meade G. Stone, Jr.

Staff present for the meeting were:

Jay DeBoer, Director
Mark N. Courtney, Deputy Director of Licensing and Regulation
Kathleen (Kate) R. Nosbisch, Executive Director
Nick A. Christner, Deputy Director of Compliance and Investigation
Justin Garofalo, Board Administrator

Cynthia H. Norwood was present from the Office of the Attorney General.

Finding a quorum of the Board present, Mr. Cherry, President, called the meeting to order at 9:30 a.m.

Call to Order

Captain Callis moved to approve the agenda. Captain Morgan seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Edmunds, Host, Martin, Morgan, and Stone.

Approval of Agenda

Ms. Nosbisch introduced new staff member Mr. Justin Garofalo, Board Administrator.

Introduction of Justin Garofalo - Board Administrator

Captain Cofer moved to approve the minutes from the February 2, 2010, Board Meeting as amended. Captain Morgan seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Edmunds, Host, Martin, Morgan, and Stone.

Approval of Minutes

Mr. Martin moved to adopt the following resolution:

Presentation of Resolution for The

Resolution in Honor of:
Douglas E. Miller

**Honorable Douglas
E. Miller**

WHEREAS, **Douglas E. Miller** did faithfully and diligently serve as a member of the Virginia Board for Branch Pilots from March 2007 to February 2010; and

WHEREAS, **Douglas E. Miller** did devote generously of his time, talent and leadership to the Board; and

WHEREAS, **Douglas E. Miller** did at all times render decisions with fairness and good judgment so as to promote and preserve the best interests of our citizens and the profession of piloting in Virginia; and

WHEREAS, the Virginia Board for Branch Pilots acknowledges its gratitude for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth;

NOW THEREFORE BE IT RESOLVED, this twenty-ninth day of April 2010, that the Virginia Board for Branch Pilots expresses utmost regard and respect for **Douglas E. Miller** and his professional legacy to this Board; and, so that all may know of the Board's depth of its expression, it is ORDERED that this resolution be spread upon the official minutes of the Board and that a copy hereof be presented to **Douglas E. Miller**.

Mr. Stone seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Edmunds, Host, Martin, Morgan, and Stone.

The Board reviewed a letter from Captain Amory regarding an incident on January 29, 2010, involving the PASQUALE DELLA GATTA.

**Captain Lorenzo D.
Amory -
PASQUALE
DELLA GATTA**

On January 29th at approximately 1340 hours, the PASQUALE DELLA GATTA, a vessel Captain Amory was piloting, stopped in Cape Henry Channel. Captain Amory was shifting the bulk carrier from G-3 anchorage in Hampton Roads to Cape Charles. The weather was good, the visibility was good, and the wind was light from the northeast.

The current was at maximum ebb (approximately 2 knots) and the tide was dead low as the vessel reached the turning point at Cape Henry, where the pilot would begin a 140 degree turn to port in order to enter Cape Henry Channel. The length of the vessel was 740 feet and her draft was 14.30 meters (46 feet 11 inches). As Captain Amory began the turn to the northwest, the vessel began to slow down as expected. Captain Amory slowed to approximately 4.5 knots. As the vessel entered the channel after completing the turn, the vessel did not recover her expected speed of 8.5

knots. Anticipating the effect that the strong ebb current, combined with a draft of 46 feet 11 inches and reduced ship speed would have on the vessel, Captain Amory tried to keep the ship moving to port from the northbound lane toward the center of the channel. The vessel would not move to port. It was never out of the channel. The ship set down so close to the right side of the channel that Captain Amory could not get her to move to the left. As the ship slowed to a stop, the current kept her pinned to the side of the channel. Captain Amory could not maneuver the ship away from the side of the channel. He sounded the entire starboard side, and found 14 meters depth consistently from bow to stern.

Captain Amory reported the incident to the U.S.C.G. at approximately 1400. He called for a tug to assist the vessel away from the side of the channel. The tug, KAYEE MORAN, arrived at 1619 hours. She pushed the bow of the ship away from the side of the channel allowing the ship to proceed to the center of the channel and on to Cape Charles anchorage. After, having been a total of 15 minutes on scene, during which she spent approximately 5 to 8 minutes pushing, the tug was away at 1634 hours.

The vessel was never at anytime out of the channel, only pinned on the right side of the channel by the maximum ebb current. Prior to the PASQUALE DELLA GATTA sailing from Cape Charles anchorage, divers conducted an underwater inspection of the vessel and found no damage to it.

Along with his report, Captain Amory provided a chart with tide and current conditions and the course of the ship as he left Thimble Shoal Channel and turned to the northwest in order to enter Cape Henry Channel. Captain Amory also included the Pilot Card that was given to him as part of the pilot information exchange. Captain Amory indicated the soundings along the starboard side after the vessel stopped. The draft figures in the ship's particular section were provided by the ship. Captain Amory included proof of timely drug and alcohol testing.

After review and discussion, Mr. Martin moved that the letter be filed and that the Board take no action as there appears to be no violation of the Board's regulations or statutes. Mr. Host seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Edmunds, Host, Martin, Morgan and Stone.

Ms. Nosbisch informed the Board that the motion to rescind the Notice of Intended Regulatory Action (NOIRA) at the February 2, 2010, meeting was unnecessary and the revised regulations will continue moving through the regulatory process.

Captain Cofer recused himself from the meeting.

**Regulatory Review
Update**

**Recusal of Captain
Cofer**

Mr. Robert McFarland, counsel for Mr. McCrory, presented a Consent Order to the Board for consideration.

**Presentation of
Consent Order for
Walter Hugh
McCrory, Jr.**

At 10:00 a.m., Mr. Stone moved that the Board for Branch Pilots convene a closed session under the *Virginia Freedom of Information Act* to confer with legal counsel relating to the Consent Order for Walter Hugh McCrory, Jr., a matter lawfully exempted from open meeting requirements under the “consultation with legal counsel” exemption contained in §2.2-3711.A.7 of the *Code of Virginia*. The following non-members will be in attendance to reasonably aid the consideration of the topic: Kate Nosbisch, Jay DeBoer, Mark Courtney and Cindy Norwood. Captain Morgan seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Edmunds, Host, Martin, Morgan and Stone.

**Closed Session –
Consent Order for
Walter Hugh
McCrory, Jr.**

At 10:25 a.m., the closed session was adjourned and the Board immediately reconvened in open session.

Open Meeting

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Board for Branch Pilots has convened a closed meeting on this date pursuant to an affirmative recorded vote, and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, §2.2-3712 of the *Code of Virginia* requires a certification by the Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Board certifies that, to the best of each member’s knowledge, (I) only public business matters lawfully exempted from open session requirements by Virginia law were discussed in the closed meeting to which the certification applies, and (II) only such business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board.

VOTE: 7-0

AYES: Callis, Cherry, Edmunds, Host, Martin, Morgan and Stone.

NAYS: 0

ABSENT FROM MEETING: 1 – Cofer

Upon due consideration, the consent order was not approved by the Board.

**Consideration of
Consent Order**

Captain Cofer returned to the meeting.

**Return of Captain
Cofer**

There was no other business.

Other Business

Conflict of Interest forms were completed by all members present.

**Conflict of Interest
Forms**

There being no further business, the meeting was adjourned at 10:30 a.m.

Adjourn

Bruce R. Cherry, President

Gordon Dixon, Secretary